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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JANE DOE 1
Plaintiff,

v.

OGDEN CITY SCHOOL DISTRICT ,

Defendant.

**ATTORNEY PLANNING MEETING
REPORT**

Case No. 1:20-cv-00048-HCN-DAO

Judge Howard C. Nielsen, Jr.

Magistrate Judge Daphne A. Oberg

1. PRELIMINARY MATTERS:

- a. Describe the nature of the claims and affirmative defenses:
- b. This case is _____ not referred to a magistrate judge
_____ X referred to magistrate judge Daphne A. Oberg
_____ X under 636(b)(1)(A)
_____ under 636(b)(1)(B)
_____ assigned to a magistrate judge under General Order 07-001
and
_____ all parties consent to the assignment for all
proceedings or
_____ one or more parties request reassignment to a district
judge

- c. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on 3/24/21 (specify date) at Zoom conference (specify location).

The following attended:

Lauren Hunt name of attorney,
counsel for Jane Doe 1 name of party
Kyle Kaiser name of attorney,
counsel for Ogden City School District name of party

- d. The parties _____ have exchanged or X will exchange by 4/ 23 / 21 the initial disclosures required by Rule 26(a)(1).
- e. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) email transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.

2. DISCOVERY PLAN: The parties jointly propose to the court the following discovery plan: *Use separate paragraphs or subparagraphs as necessary if the parties disagree.*

- a. Discovery is necessary on the following subjects: *Briefly describe the subject areas in which discovery will be needed.*

All claims and defenses as outlined in the Complaint and Answer, including expert discovery.

- b. Discovery Phases
Specify whether discovery will (i) be conducted in phases, or (ii) be limited to or focused on particular issues. If (ii), specify those issues and whether discovery will be accelerated with regard to any of them and the date(s) on which such early discovery will be completed.

Discovery will be held on all issues and areas in the underlying case. Except for expert discovery, the parties do not anticipate conducting discovery in phases or focused on particular issues.

- c. Designate the discovery methods to be used and the limitations to be imposed.
(1) *For oral exam depositions, (i) specify the maximum number for the plaintiff(s) and the defendant(s), and (ii) indicate the maximum number of hours unless extended by agreement of the parties.*

Oral Exam Depositions

Plaintiff(s) 10

Defendant(s) 10

Maximum number of hours per deposition 7

- (2) *For interrogatories, requests for admissions, and requests for production of documents, specify the maximum number that will be served on any party by any other party.*

Interrogatories 30

Admissions 30

Requests for production of documents 30

- (3) *Other discovery methods: Specify any other methods that will be used and any limitations to which all parties agree.*

- d. *Discovery of electronically stored information should be handled as follows: Brief description of parties' agreement.*

All documents shall be produced in native format.

- e. *The parties have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production, as follows: Brief description of provisions of proposed order.*

An amended proposed protective order is separately provided.

- f. Last day to file written discovery 10/30/21

- g. Close of fact discovery 11/30/2021

- h. *(optional)* Final date for supplementation of disclosures under Rule 26(a)(3) and of discovery under Rule 26(e) our requirements for supplementation are continuing

3. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES:

- a. The cutoff dates for filing a motion to amend pleadings are: *specify date*
Plaintiff(s) 6/1/21 Defendant(s) 6/1/21

- b. The cutoff dates for filing a motion to join additional parties are: *specify date*
Plaintiff(s) 6/1/21 Defendants(s) 6/1/21

(NOTE: Establishing cutoff dates for filing motions does not relieve counsel from the requirements of Fed. R. Civ. P. 15(a)).

4. EXPERT REPORTS:

- a. The parties will disclose the subject matter and identity of their experts on
(specify dates):

Party(ies) bearing burden of proof 1/1/22

Counter Disclosures 2/1/22

- b. Reports from experts under Rule 26(a)(2) will be submitted on (*specify dates*):
Party(ies) bearing burden of proof 2/15/22
Counter Reports 3/15/22

5. OTHER DEADLINES:

- a. Expert Discovery cutoff: 5/15/22
- b. Deadline for filing dispositive¹ or potentially dispositive motions including motions to exclude experts where expert testimony is required to prove the case.
6/15/22
- c. Deadline for filing partial or complete motions to exclude expert testimony
6/15/22

6. ADR/SETTLEMENT:

Use separate paragraphs/subparagraphs as necessary if the parties disagree.

- a. The potential for resolution before trial is: ____ good ____ fair ____ poor
The potential for resolution before trial is unknown at this time.
- b. The parties intend to file a motion to participate in the Court's alternative dispute resolution program for: settlement conference (with magistrate judge): X
(after discovery has been completed)
arbitration: ____ mediation: ____
- c. The parties intend to engage in private alternative dispute resolution for:
arbitration: ____ mediation: ____
- d. The parties will re-evaluate the case for settlement/ADR resolution on (*specify date*):
6/15/22

7. TRIAL AND PREPARATION FOR TRIAL:

- a. The parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3) (if different than the 14 days provided by Rule).
- b. This case should be ready for trial by: *specify date* 10/3/22
Specify type of trial: Jury X Bench ____
- c. The estimated length of the trial is: *specify days* 7-10

¹ Dispositive motions, if granted, resolve a claim or defense in the case; nondispositive motions, if granted, affect the case but do not resolve a claim or defense.

/s/ Lauren Hunt, Michael Young
Signature and typed name of Plaintiff(s) Attorney

Date: 3 / 26 / 21

/s/ Kyle J. Kaiser
Signature and typed name of Defendant(s) Attorney

Date: 3 / 29 / 21

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2021, I caused a true and correct copy of the foregoing to be filed using the Court's electronic filing system, which effectuated service of such filing upon all counsel of record.

/s/ Michael W. Young